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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Initial Patent Application of  
LONGBOTTOM ET AL.

Atty. Ref.: 620-451

Serial No. 10/589,872

Group: Unknown

Filed: August 18, 2006

Examiner: Unknown

For: METHOD, APPARATUS AND KIT FOR BREATH  
DIAGNOSIS

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 22, 2007

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action on the merits]  
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**  
[after Final Office Action or Allowance (requires Rule 97(e)  
Statement and Rule 17(p) fee), but before final fee payment]  
\$180.00

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

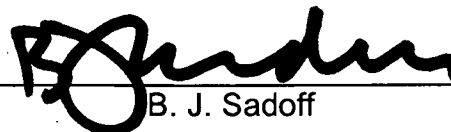
- ☐ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,  
NIXON & VANDERHYE P.C.

By: \_\_\_\_\_

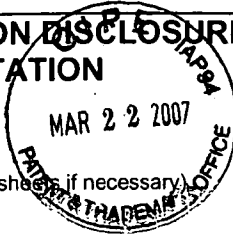


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**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)



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## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/K.M./	US 2004/0164237	08/2004	Jones			
	US 5,376,555	12/1994	Forrester			
	US 6,274,870	08/2001	Kubo			
	US 4,907,166	03/1990	Corenman			
	US 6,038,913	03/2000	Gustafsson			
	US 5,070,245	12/1991	Rantala			
	US 6,274,879	08/2001	Best-Timmann			
	US 5,770,793	06/1998	Stock			
	US 5,479,815	01/1996	White			
	US 4,859,859	08/1989	Knodle			
	US 4,914,720	04/1990	Knodle			
	US 6,428,483	08/2002	Carlebach			
	US 5,386,833	02/1995	Uhen			
	US 2002/0007249	01/2002	Cranley			
	US 6,358,215	03/2002	Ricciardelli			
	US 2001/0021815	09/2001	Katzman			
	US 6,186,958	02/2001	Katzman			
	US 5,739,535	04/1998	Koch			
	US 5,515,859	05/1996	Paz			
	US 5,046,018	09/1991	Flewelling			
	US 5,129,401	07/1992	Corenman			
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	US 6,540,691	04/2003	Phillips			
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	US 6,599,253	07/2003	Baum			
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	US 5,838,008	11/1998	Esler			
	US 5,640,014	06/1997	Sauke			
	US 5,543,621	08/1996	Sauke			
	US 4,684,805	08/1987	Shu-ti			
	US 6,099,480	08/2000	Gustafsson			
	US 5,731,581	03/1998	Fischer			
/K.M./	US 6,010,459	01/2000	Silkoff			

\*Examiner

/Keri Moss/

Date Considered

10/01/2008

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)

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CITATION**

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/K.M./	US 5,533,512	07/1996	Novotny			
	US 5,282,473	02/1994	Braig			
	US 2002/0151814	10/2002	Payne			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	GB-A-2295679	06/1996	Great Britain				
	GB-B-2347999	11/2001	Great Britain				
	EP-A-1206948	05/2002	Europe			X	
	EP-A-1378743	01/2004	Europe				
	EP-B-0551142	09/1997	Europe				
	EP-B-0648088	08/2001	Europe				
	EP-B-0699414	03/1996	Europe				
	DE-A-3640035	05/1988	Germany			X	
	DE-19911325	07/2000	Germany			X	
	WO 98/39470	09/1998	WIPO				
	WO 98/57145	12/1998	WIPO				
	WO 91/03727	03/1991	WIPO				
	WO 97/26827	07/1997	WIPO				

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	Search Report for GB 0403612.5 dated 29 July 2004
	VON BASUM et al, "Online recording of ethane traces in human breath via infrared laser spectroscopy", J Appl Physiol 95: 2583-2590, 2003
	DAHNIKE et al, "Real-time monitoring of ethane in human breath using mid-infrared cavity leak-out spectroscopy", Applied Physics B: Lasers and Optics, Volume 72, Number 8, June 2001, Pages 971-975
/K.M./	HERRIOT et al, "Folded optical delay lines", 1965, Appl. Optics, 4, 883
*Examiner	/Keri Moss/
	Date Considered
	10/01/2008

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